

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TIMOTHY BAKER,	:	Case No. 3:13-cv-365
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Defendant.	:	

**ORDER GRANTING PLAINTIFF'S MOTION FOR ATTORNEY FEES (Doc. 15)**

This case is a Social Security disability benefits appeal under which the Court determined that the ALJ's non-disability finding was not supported by substantial evidence and reversed and remanded to the ALJ. (Doc. 13). Seeking to be compensated for the legal expenses incurred in obtaining the remand, Plaintiff's counsel has filed a fee application (Doc. 15) pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). The Commissioner did not oppose the motion.

Therefore, the EAJA fee application (Doc. 15) is **GRANTED** and Plaintiff is **AWARDED** the sum of **\$5,888.50**. This award satisfies Plaintiff's claims for fees, expenses, and costs under 28 U.S.C. § 2412.<sup>1</sup>

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<sup>1</sup> Any fees paid belong to Plaintiff and not his attorney and can be offset to satisfy pre-existing debt that the litigant owes the United States. *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). However, if counsel for the parties can verify that Plaintiff does not owe any pre-existing debt subject to offset, the Defendant shall direct the award to Plaintiff's attorney pursuant to the EAJA assignment which was signed by Plaintiff and counsel. (See Doc. 15 at PageID 869).

**IT IS SO ORDERED.**

Date: 10/22/14

Timothy S. Black  
Timothy S. Black  
United States District Judge